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09/755,769	01/04/2001	Omar H. Shahine	149483.1LH&D No. MCS-053-	3165

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LYON & HARR, LLP
300 ESPLANADE DRIVE, SUITE 800
OXNARD, CA 93036

EXAMINER
NGUYEN, LE V

ART UNIT	PAPER NUMBER
2174	

DATE MAILED: 01/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>03 October 2003</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-57</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-57</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a)☐ All b)☐ Some * c)☐ None of:
   1.☐ Certified copies of the priority documents have been received.
   2.☐ Certified copies of the priority documents have been received in Application No. _____.
   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
       application from the International Bureau (PCT Rule 17.2(a)).
   * See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application)
    since a specific reference was included in the first sentence of the specification or in an Application Data Sheet.
    37 CFR 1.78.
    a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific
    reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)   4)☐ Interview Summary (PTO-413) Paper No(s). _____ .
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5)☐ Notice of Informal Patent Application (PTO-152)
3)☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . 6)☐ Other: _____ .

DETAILED ACTION

1.   This communication is responsive to a request for reconsideration, filed 10/3/03.

2.   Claims 1-57 are pending in this application. This action is made Final.

3.   The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

4.   Claims 1-2, 23, 27-28, 31, 33-35, 42, 45-46 and 55 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith et al. ("Smith", US 5,923,327).

As per claim 1, Smith teaches a system for automatically displaying data objects on a computer display device comprising dynamically populating the display device with at least one of the data objects wherein the dynamic population of the display device comprises automatically arranging the position of displayed data objects based on a priority associated with each data object (fig. 12A; col. 8, lines 25-28) wherein automatically arranging the position of the displayed data objects comprises filling available space on the computer display device with the data objects in order of higher priority to lower priority, with lower priority data objects being displayed only when available space exists on the computer display device (col. 3, lines 13-15; col. 7, lines 17-19).

As per claim 2, Smith teaches a system for automatically displaying data objects on a computer display device wherein the priority associated with each data object is based on a pre-designated priority list (fig. 12A; col. 8, lines 25-28).

As per claim 23, Smith teaches a system for automatically displaying data objects on a computer display device wherein each displayed data object has an associated action button selectable via a user interface for performing specific actions relative to each displayed data object (figs. 7, 8A-8D, 10, 12A-12C and 13A; col. 7, lines 43-45 and lines 50-56; col. 9, lines 16-22 and lines 28-30).

Claim 27 is similar in scope to claim 1 and is therefore rejected under similar rationale with the exception noted that contact information in an electronic address book is displayed, which Smith also teaches (fig. 12A).

As per claim 28, Smith teaches a process for automatically displaying contact information for contacts in an electronic address book wherein the priority associated with each individual element of the contact information is automatically assigned to each element (col. 8, lines 60-61 and 64-65).

As per claim 31, Smith teaches a process for automatically displaying contact information for contacts in an electronic address book wherein individual elements of the contact information are not dynamically displayed regardless of priority if the individual elements of the contact information are not populated (fig. 18B).

As per claim 33, Smith teaches a process for automatically displaying contact information for contacts in an electronic address book comprising manually populating at least one of the individual elements of the contact information via the user interface (figs. 8A-8D, 10, 12A-12C *and respective portions of the specification*).

As per claim 34, Smith teaches a process for automatically displaying contact information for contacts in an electronic address book comprising editing at least one of the

individual elements of the contact information via the user interface (col. 9, line 66 through col.

10, line 8).

As per claim 35, Smith teaches a process for automatically displaying contact

information for contacts in an electronic address book comprising dynamically updating the

arrangement of the individual elements of the contact information when any of the individual

elements of the contact information is changed (col. 10, lines 6-8).

Claim 42 is similar in scope to claim 23 and is therefore rejected under similar rationale.

Claim 45 is similar in scope to claim 1 and is therefore rejected under similar rationale.

Claim 46 is similar in scope to claim 2 and is therefore rejected under similar rationale.

Claim 55 is similar in scope to the combination of claim 23 and is therefore rejected

under similar rationale.

Claim Rejections - 35 USC § 103

5.   Claims 3-19, 32, 36-39, 47-49 and 50-52 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Smith et al. ("Smith", US 5,923,327) in view of Baldwin et al. ("Baldwin", US

6,496,201 B1).

As per claim 3, although Smith teaches a system for automatically displaying data objects

on a computer display device wherein the priority associated with each data object is based on a

pre-designated priority list (fig. 12A; col. 8, lines 25-28), Smith does not explicitly disclose a

system for automatically displaying data objects on a computer display device wherein the

priority associated with each data object is changeable. Baldwin teaches a system for

automatically displaying data objects on a computer display device comprising dynamically

populating the display device with at least one of the data objects wherein the dynamic

population of the display device comprises automatically arranging the position of displayed data

objects based on a priority associated with each data object wherein the priority associated with

each data object is based on a pre-designated priority list (fig. 3; col. 4, line 57 through col. 5,

line 10). Therefore, it would have been obvious to an artisan at the time of the invention to

include Baldwin's teaching of a system for automatically displaying data objects on a computer

display device wherein the priority associated with each data object is based on a pre-designated

priority list to Smith's teaching of a system for automatically displaying data objects on a

computer display device in order to provide users with quick access to frequently retrieved

information.

As per claim 4, the modified method of Smith teaches a system for automatically

displaying data objects on a computer display device wherein the dynamic population of the

display device is automatically and dynamically updated when a priority associated with a data

object is changed (Baldwin: col. 4, lines 63-67).

As per claims 5 and 6, the modified method of Smith teaches a system for automatically

displaying data objects on a computer display device wherein the priority associated with each

data object is configured via a user interface and wherein the priority associated with each data

object is automatically determined based upon a frequency of use for each data object (Baldwin:

col. 4, lines 63-67).

As per claim 7, the modified method of Smith teaches a system for automatically

displaying data objects on a computer display device wherein the dynamic population of the

display device further comprises not displaying data objects that do not contain data (Smith: fig. 18B).

As per claim 9, the modified method of Smith teaches a system for automatically displaying data objects on a computer display device wherein the dynamic population of the display device is automatically updated when the data comprising a data object is changed (Smith: col. 8, lines 3-10; figs. 7, 8A-8D, 10 and 12A-12C; *data such as icons and contact information may be created or modified via screen 1010*).

As per claims 8 and 10, the modified method of Smith teaches a system for automatically displaying data objects on a computer display device wherein data comprising each data object is changeable and wherein data objects are editable (Smith: col. 8, lines 3-10; figs. 7, 8A-8D, 10 and 12A-12C; *data such as icons and contact information may be created or modified via screen 1010*).

As per claims 11 and 12, the modified method of Smith teaches a system for automatically displaying data objects on a computer display device wherein data objects are editable, added and deleted via a user interface (Smith: col. 8, lines 3-10; figs. 7, 8A-8D, 10 and 12A-12C; *data such as icons and contact information may be created or modified via screen 1010*).

As per claim 13, the modified method of Smith teaches a system for automatically displaying data objects on a computer display device wherein the data objects are stored in at least one electronic database (Smith: col. 3, lines 25-26).

As per claims 14 and 15, the modified method of Smith teaches a system for automatically displaying data objects on a computer display device wherein the available space

on the computer display device is adjustable wherein the dynamic population of the display

device is automatically and dynamically updated when the available space on the computer

display device is adjusted (Baldwin: col. 6, lines 12-48; Smith: col. 7, lines 17-20 and col. 12,

lines 63-64).

As per claims 16 and 17, the modified method of Smith teaches a system for

automatically displaying data objects on a computer display device wherein the available space

on the computer display device is adjusted automatically and adjusted via a user interface

(Baldwin: col. 6, lines 12-48; Smith: col. 7, lines 17-20 and col. 12, lines 63-64).

As per claims 18 and19, the modified method of Smith teaches a system for

automatically displaying data objects on a computer display device further comprises

automatically arranging the position of displayed data objects in a single column and in at least

one column (Smith: col. 6, lines 47-49; Baldwin: col. 5, lines 10-16).

Claim 32 is similar in scope to claim 13 and is therefore rejected under similar rationale.

Claim 36 is similar in scope to claim 4 and is therefore rejected under similar rationale.

Claims 37 and 38 in combination is similar in scope to the combination of claims 14 and

15 and is therefore rejected under similar rationale.

Claim 39 is similar in scope to the combination of claims 18 and 19 and is therefore

rejected under similar rationale.

Claim 47 is similar in scope to the combination of claim 5 and 6 and is therefore rejected

under similar rationale.

Claim 48 is similar in scope to claim 4 and is therefore rejected under similar rationale.

Claim 49 is similar in scope to claim 9 and is therefore rejected under similar rationale.

Claims 50 and 51 in combination is similar in scope to the combination of claims 11 and

12 and is therefore rejected under similar rationale.

Claim 52 is similar in scope to the combination of claims 14 and 15 and is therefore

rejected under similar rationale.

6.   Claims 20-22, 40-41 and 53-54 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Smith et al. ("Smith", US 5,923,327) in view of Baldwin et al. ("Baldwin", US 6,496,201

B1) as applied to claims 19, 39 and 52 respectively, and further in view of Shirakawa (US

5,956,738).

As per claim 20, Smith teaches a system for automatically displaying data objects on a

computer display device wherein a dynamic population of the display device comprises

automatically arranging a position of displayed data objects into columns and wherein the

available space on the computer display device is adjustable (col. 7, lines 17-20 and col. 12, lines

63-64). Smith does not explicitly disclose a system for automatically displaying data objects on a

computer display device wherein a number of columns for displaying data objects is determined

by automatically computing the number of columns that will fit within the available space on the

computer display device. Shirakawa teaches a system for automatically displaying data objects

on a computer display device comprising dynamically populating the display device with data

objects comprising the dynamic population of the display device comprises automatically

arranging displayed data objects based on a priority wherein a number of columns for displaying

data objects is determined by automatically computing the number of columns that will fit within

the available space on the computer display device (Abstract). Therefore, it would have been

obvious to an artisan at the time of the invention to include Shriakawa's teaching of a system for

automatically displaying data objects wherein a number of columns for displaying data objects is

determined by automatically computing the number of columns that will fit within the available

space on the computer display device to Smiths' teaching of a system for automatically

displaying data objects on a computer display device wherein a dynamic population of the

display device comprises automatically arranging a position of displayed data objects into

columns and wherein the available space on the computer display device is adjustable in order to

provide users with a layout method that efficiently makes use of available space and in turn

reduces the need for human intervention by automating this process.

As per claim 21, the modified Smith teaches a system for automatically displaying data

objects on a computer display device wherein the width of each column is fixed (Shirakawa: col.

12, lines 9-11).

As per claim 22, the modified Smith teaches a system for automatically displaying data

objects on a computer display device wherein the width of each column is automatically

determined by computing the minimum width required for displaying prioritized data objects in

each column (Shirakawa: col. 15, lines 23-25).

Claim 40 is similar in scope to claim 20 and is therefore rejected under similar rationale.

Claim 41 is similar in scope to claim 22 and is therefore rejected under similar rationale.

Claims 53 and 54 in combination is similar in scope to claim 22 and is therefore rejected

under similar rationale.

7.   Claims 24-25 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Smith et al. ("Smith", US 5,923,327) in view of Fernandes (US 6,014,135).

As per claim 24, although Smith teaches a system for automatically displaying data objects on a computer display device wherein a representation of the displayed data objects is displayed on the computer display device (figs. 7, 8A-8D, 10, 12A-12C and 13A). Smith does not explicitly disclose a system wherein the representation is a picture representing the displayed data objects is displayed on the computer display device. Fernandes teaches a system for automatically displaying data objects on a computer display device wherein a picture representing the displayed data objects is displayed on the computer display device (Abstract; fig. 3, *element 40*). Therefore, it would have been obvious to an artisan at the time of the invention to include Fernandes teaching of a system for automatically displaying data objects on a computer display device wherein a picture representing the displayed data objects is displayed to Smith's teaching of a system for automatically displaying data objects on a computer display device wherein a representation of the displayed data objects in order to provide users with a more life-like representation of the data object.

As per claim 25, the modified Smith teaches a system for automatically displaying data objects on a computer display device wherein the picture is chosen via a user interface (Fernandes: col. 10, lines 14-16).

Claim 43 is similar in scope to claim 25 and is therefore rejected under similar rationale.

8.   Claims 26 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al. ("Smith", US 5,923,327) in view of Fernandes (US 6,014,135) as applied to claim 25 above, and further in view of Shirakawa (US 5,956,738).

As per claim 26, the modified Smith teaches a system for automatically displaying data objects on a computer display device wherein a picture representing the displayed data objects is

displayed on the computer display device (Fernandes: Abstract; fig. 3, *element 40*) wherein the

picture has an associated priority and wherein the picture representing data objects being

displayed only when available space exists on the computer display device (Smith: col. 7, lines

17-20). The modified Smith does not explicitly disclose the picture representing data objects

being displayed only when available space exists on the computer display device after displaying

all higher priority data objects. Shirakawa teaches a system for automatically displaying data

objects on a computer display device comprising dynamically populating the display device with

data objects comprising the dynamic population of the display device comprises automatically

arranging displayed data objects based on a priority wherein the data objects is displayed after

displaying all higher priority data objects (col. 17, lines 8-25). Therefore, it would have been

obvious to an artisan at the time of the invention to include Shirakawa's teaching of

automatically arranging displayed data objects based on a priority wherein the data objects is

displayed after displaying all higher priority data objects to Smith's teaching of automatically

displaying data objects on a computer display device wherein a picture representing the

displayed data objects is displayed on the computer display device wherein the picture has an

associated priority and wherein the picture representing data objects being displayed only when

available space exists on the computer display device in order to provide users with control

according to layout preference.

Claim 44 is similar in scope to claim 26 and is therefore rejected under similar rationale.

9.   Claims 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al.

("Smith", US 5,923,327) in view of Cushman et al. ("Cushman", US 6,125,287).

As per claims 29 and 30, Smith teaches a process for automatically displaying contact information for contacts in an electronic address book wherein the priority associated with each individual element of the contact information is automatically assigned to each element (col. 8, lines 60-61 and 64-65). Smith does not explicitly disclose a process wherein the priority associated with or assigned to each individual element of the contact information is manually assigned to each element via the user interface. Cushman teaches a process for automatically displaying contact information for contacts in an electronic address book a process wherein the priority associated with or assigned to each individual element of the contact information is manually assigned to each element via the user interface (col. 5, lines 47-65 and col. 4, line s 54-56). Therefore, it would have been obvious to an artisan to include Cushman's teaching of manually assigning elements via a user interface to Smith's teaching of automatic assignments of elements in order to provide users with greater control over prioritizing elements according to each users' needs.

10.   Claims 56-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al. ("Smith", US 5,923,327).

As per claims 56 and 57, Smith teaches a computer-readable medium having computer executable instructions for dynamically displaying a subset of at least one data element from a set of data elements on a computer display device wherein the displayed subset of data elements is color-coded and shaded based on a pre-designated category for describing the set of data elements (col. 7, lines 53-56). Smith does not explicitly disclose the displayed subset of data elements to be automatically color-coded and shaded. Official Notice is given that automating shading and color-coding to a displayed subset of data elements is well known in the art.

Therefore, it would have been obvious to an artisan at the time of the invention to include

automatically shading and color-coding a displayed subset of data elements to Smith's computer-

readable medium having computer executable instructions for dynamically displaying a subset of

at least one data element from a set of data elements on a computer display device wherein the

displayed subset of data elements is color-coded and shaded based on a pre-designated category

for describing the set of data elements in order to quickly implement steps that are routine.

Response to Arguments

11.   Applicant's arguments filed 10/3/03 have been fully considered but they are not

persuasive.

Applicant argued the following:

(a) The field population described by Smith does not appear to be in any way priority-

based.

(b) There is not suggestion or motivation to combine Baldwin and Smith to yield a

reasonable expectation of success.

(c) Cushman fails to disclose manually assigning priorities.

The Examiner disagrees for the following reasons:

Per (a), Smith does teach *a* priority associated with the data object displayed wherein

each data object is positioned to be automatically displayed in a set arrangement (fig. 12A; col.

8, lines 25-28; *the set arrangement to be displayed such that the name field is a precursor to the*

number field).

Per (b), in response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Smith teaches automatically arranging the position of displayed data objects based on a priority while the teaching extracted from Baldwin is for changing the position of displayed data objects based on a priority. Therefore, it would have been obvious to an artisan at the time of the invention to include Baldwin's method of changing the position of displayed data objects based on a priority to Smith's method of automatically arranging the position of displayed data objects based on a priority in order to provide users with quick access to frequently retrieved information.

Per (c), Cushman teaches manually assigning priorities (figs. 2(h); col. 5, lines 47-65 and col. 4, lines 54-56; *i.e. users may add or delete entries into the frequently called numbers directory wherein searches are viewed from the directory of frequently called numbers directory and proceeds to the main directory*).

Conclusion

12.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Inquires

13.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Lê Nguyen whose telephone number is **(703) 305-7601**. The

examiner can normally be reached on Monday - Friday from 5:30 am to 2:00 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kristine Kincaid, can be reached on (703) 308-0640.

The fax numbers for the organization where this application or proceeding is assigned are

as follows:

(703) 746-7238 [After Final Communication]

(703) 872-9306 [Official Communication]

(703) 746-7240 [For status inquiries, Draft Communication]

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is (703) 305-3900.

Lê Nguyen
Patent Examiner
January 7, 2004

KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100